

# **Exhibit 4**

**timesunion.com**

## The fall of a police chief

Jim Tuffey was given the job of cleaning up Albany's streets. Now, he's out amid allegations that he used a racial slur.

By BRENDAN J. LYONS AND JORDAN CARLEO-EVANGELIST, Staff writers

**Click byline for more stories by writer.**

First published: Wednesday, September 2, 2009

ALBANY -- For weeks, a controversy boiled inside the city police department over Chief James W. Tuffey's alleged use of a racial slur while he discussed the unsolved killing of a white University at Albany student.

Anonymous letters were mailed -- purportedly by a group of concerned officers claiming to have formed a "Coalition against Racism and Bigotry" -- to Mayor Jerry Jennings, several members of the Common Council, District Attorney David Soares, the Times Union and others.

The letters alleged the 56-year-old chief, while in a stairwell at police headquarters, told Assistant Chief Anthony Bruno, "This wasn't just some spook that was killed," referring to the October slaying of UAlbany senior Richard Bailey.

Tuffey abruptly announced his resignation by press release Tuesday, offering no specific reason -- a day after Bruno and three of Tuffey's other top commanders hired a lawyer and informed City Hall they would not deny the incident happened.

Among other things, the chief's departure after just shy of four years leading the force exposes a rift between the department's command staff and the leadership of its patrolmen's union, who accused them of working with City Hall to orchestrate Tuffey's "execution."

The affair also is playing out just two weeks before Tuffey's longtime friend and the man who appointed him, Mayor Jerry Jennings, faces a primary challenge from fellow Democrat Councilman Corey Ellis.

Jennings on Tuesday praised Tuffey's service to the city and insisted his departure was not forced.

"That's his decision," Jennings said before an unrelated news conference, "And I respect his decision."

"As far as I'm concerned, it's not easy being a police chief anywhere," Jennings continued. "I've had six chiefs in my 16 years. ... I respect the job that Jimmy did here in the city, and I wish him the best."

Asked about the letter and whether he believed Tuffey made the alleged remark, Jennings replied: "I'm not going to get into it. That was an anonymous letter. ... I've known Jimmy Tuffey my whole life, I'm not even going to speculate. I'm just saying we're moving ahead. I respect Jimmy for what he's done for this city."

Tuffey has not responded to written questions sent to him last week by the Times Union about the alleged remark.

Jennings has not yet appointed an interim chief -- and may not, instead allowing deputy chiefs Steve Reilly and Steve Krokoff to run the department while he begins a "national search" for Tuffey's replacement.

Tuffey officially retires Saturday. Despite efforts to reach him at work and at home, Tuffey was not available to speak to reporters Tuesday.

"It has been an honor and privilege to serve the great city of Albany and its citizens," he said in the news release. "I am extremely proud of what we have accomplished during my tenure and I was extremely lucky to have had the opportunity to lead such a professional and dedicated organization. I thank everyone who has supported me and I look forward to my future endeavors."

Two people familiar with the matter said the four top city police officials banded together on Monday and hired an attorney, Kevin A. Luibrand, who informed a top member of Jennings' administration that they would not take part in any public denial of the incident.

The group's decision to retain an attorney came amid concerns by the four police officials -- deputy chiefs Krokoff and Reilly, and assistant chiefs Bruno and Brendan Cox -- that there could be retribution for their stance.

Luibrand did not return several phone calls Tuesday.

Tuffey joined the police department in 1975, rising to the rank of detective and head of the Albany Police Officers Union before retiring in 1995. After working as the public safety commissioner in Cohoes and as the top official with the State Emergency Management Office, Tuffey returned to the police department at Jennings' urging in 2005.

Tuffey set about trying to make sweeping changes to turn around the at-times-embattled department.

One of his first major acts was to embark on a controversial reorganization of the police department, closing two of four stations and increasing police reliance on new technology and computer-aided policing. While the moves were accompanied with drops in violent crime -- some 19 percent since 2005 -- they also came with community concerns that residents and business owners were losing touch with officers.

In the wake of the April 2006 death of Detective Kenneth Wilcox in an on-duty car wreck, Tuffey also battled publicly with the police union he once led over the institution of an alcohol policy that would ban officers from drinking within eight hours of going on duty.

Ultimately, the policy was struck down by the state Public Employment Relations Board.

Tuffey made no apologies for his forceful management style, which the union at times likened to bullying.

But in a statement Tuesday, the union Tuffey so often clashed with rallied to his defense, calling City Hall's handling of the matter despicable and accusing Jennings of using his resignation to derail negotiations for a new police contract.

Tuffey's time at police headquarters was marked by other controversies.

Earlier this year, Tuffey took a voluntary leave after the Times Union reported his certification as a police officer had lapsed. He returned to the job in mid-June and insisted he planned to remain in the post for several years.

The certification questions rose as both the Common Council and state comptroller were investigating the police department and police union's role in meting out special parking privileges given connected people in the city. The practices were first reported by the Times Union in November.

At the time, Jennings also reacted forcefully to suggestions from Ellis and other then-challengers that he should fire the chief, saying: "He's where he belongs. He's the chief of this police department. ... I'm the mayor, I appointed him. ... I run this city. They don't run this city."

Tuffey -- speaking after the same June event, an announcement of a \$20,000 reward for information connected to Bailey's killing -- said he planned to stay put.

"I'm not leaving," Tuffey said at the time. "I'm going to tell you that right now,"

Alice Green, executive director of the city's Center for Law and Justice, also received a copy of the letter written by the group of officers.

"If, as alleged, the police chief did in fact make a comment to another officer ... it is a blatant display of ignorance at best, and bigotry at worst," Green said.

"The assertion that the chief made this egregious statement is a very serious one, and if those making the allegation would publicly identify themselves and substantiate their claim they could be hailed as courageous defenders of the public trust," she said.

Detectives and others who work closely with Tuffey in the administrative offices at headquarters said they were unaware the chief was leaving until he stopped by Tuesday morning to say goodbye.

His office had been cleaned out.

Carleo-Evangelist can be reached at 454-5445 or jcarleo-evangelist@timesunion.com. Staff writer Carol DeMare contributed to this story.